

REMARKS

Applicant has amended claims 1, 2 and 5, cancelled claims 3 and 6 without prejudice or disclaimer of their subject matter, and added new claims 7-9. Support for the amendments can be found in Applicant's specification at, for example, paragraph [0050]. Support for the new claims can be found in Applicant's specification at, for example, paragraphs [0111] and [0114]. Upon entry of this Amendment, claims 1, 2, 5, and 7-9 are pending and under examination.

Applicant respectfully traverses the rejection, made in the Final Office Action¹, of claims 1-3, 5, and 6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,643,542 ("Kawanishi"). The rejection of claims 3 and 6 is rendered moot due to the cancellation of these claims.

In order to properly establish that Kawanishi anticipates Applicant's claims under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Kawanishi does not disclose each and every element of at least amended independent claim 1. For example, Kawanishi fails to disclose a

calculating unit configured to calculate bone weight of the body on the basis of the measured impedance and the stored personal information; [and]

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

a judging unit configured to judge a somatotype of the body,
the somatotype being classified on the basis of a correlation
between the calculated bone weight and the body weight,

as recited in amended claim 1 (emphases added).

Kawanishi instead discloses that “the muscle mass is obtained from the fat-free mass, bone mass, and lipid mass.” Col. 7, lines 44-46 of Kawanishi. To the extent that Kawanishi teaches that “muscle mass” can be obtained from fat-free mass, bone mass, and lipid mass, Kawanishi does not disclose how to obtain bone mass. Therefore, Kawanishi cannot disclose a “calculating unit configured to calculate bone weight of the body on the basis of the measured impedance and the stored personal information,” as recited in claim 1 (emphasis added).

Moreover, since Kawanishi fails to disclose a “calculating unit configured to calculate bone weight,” Kawanishi also cannot disclose a “judging unit configured to judge a somatotype of the body, the somatotype being classified on the basis of a correlation between the calculated bone weight and the body weight,” as recited in claim 1 (emphases added).

Therefore, because Kawanishi does not disclose each and every element of claim 1, claim 1 is not anticipated and should be allowable. Claims 2, 5, and 7-9 should also be allowable due to their dependence from base claim 1, and because they recite additional features not taught or suggested by Kawanishi.

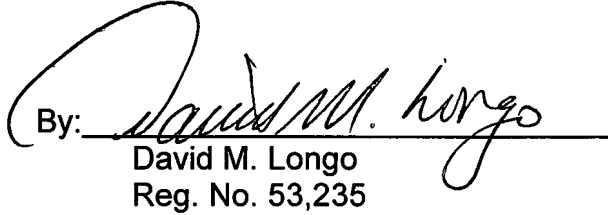
Applicant therefore requests reconsideration of the application and withdrawal of the rejection. Pending claims 1, 2, 5, and 7-9 are in condition for allowance, and Applicant requests a favorable action.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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